

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-312, 3-313, 3-400, 5-1200, 5-1300 AND 15-300 TO AMEND APPROVAL REQUIREMENTS FOR COMMERCIAL RETAIL AND BUSINESS USES

WHEREAS, on August 10, 2006, the Board of Supervisors initiated this text amendment;
and

WHEREAS, on October 26, 2006 and November 30, 2006, the Planning Commission held work sessions on the proposed text amendment and forwarded the proposed text amendment to the Board of Supervisors recommending approval; and

WHEREAS, on January 11, 2007, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the amendment to add Section 5-103 supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11th day of January 2007,
That Sections 3-312, 3-313, 3-400, 5-1200, 5-1300 and 15-300 be, and are hereby, amended as follows:

3-312 COMMERCIAL RETAIL (CATEGORY 12)	Site Plan	RC	RA	RR2	V	R1	R2	R3	R4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1	I-2
1. Antique shops less than 3000 sq. ft.	X		SP	SP	SP								P	P	P	P		
2. Antique shops more than 3000 sq. ft.	X	-	-	-	-	-	-	-	-	-	-	-	SP	P	P	SP		
2 3. Retail sales establishment and shopping center less than 5,000 sq. ft.	X												P	P	P	P		
3 4. Retail sales establishment and shopping center 5,000 to 20,000 sq. ft. or greater but less than 50,000 sq. ft.	X												A /SP	P	P	SP		
4. Retail sales establishment and Shopping center 20,000 to 50,000 sq. ft.	X												SP	P	P	SP		
5. Retail sales establishment and shopping center more than 50,000 sq. ft.	X													SE	SE			
7. Shopping center less than 200,000 sq. ft.	- X														P			
7. Shopping center more than 200,000 sq. ft.	- X														SE			
6 8. Convenience store	X												P	P	P	SP	SP	
7 9. Retail sales in conjunction with Category 16 or 17 uses		SE	SE										SP ¹⁸	SP ¹⁸	SP ¹⁸		SP	SP
8 10. Fuel yard, retail	X													SP				SP

3-313 COMMERCIAL BUSINESS AND PERSONAL SERVICES (CATEGORY 13)	Site Plan	RC	RA	RR2	V	R1	R2	R3	R4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1	I-2
1. Kennel/animal shelter	X	SP	SP	SP		SP							SP	P		SP		
2. Veterinary Clinic	X	SP	SP	SP	SP								P	P	SP ¹⁸	SP		
3. Funeral home less than 5000 sq. ft.	X												P	P				
4. Funeral home more than 5000 sq. ft.	X												SP	P		SP		
5. Farm supply establishment	X		SP		SP								SP ¹⁸	P		SP		
6. Financial institutions	X												P	P	P	P	SP	
7. Business or Professional Office, less than 5,000 sq.ft.	X												P	P	P	P	P	
8. Business or Professional Office, 5,000 sq.ft. to 20,000 sq.ft.	X												A/SP	P	P	SP	P	
9. Business or Professional Office, over 20,000 sq.ft.	X												SP ¹⁸	SP ¹⁸	SP ¹⁸	SP ¹⁸	SP	
7. Office, business, less than 5000 sq.ft.	X												P	P	P	P	SP	
8. Office, business, more than 5000 sq.ft.	X												SP	SP	P		SP	
10. Business or Professional Office, professional 3 or less employees — (including clinics) 6 or less employees	X	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP							
10. Office, professional, (including — clinics) less than 5,000 sq.ft.	X												P	P	P	P	SP	
11. Office, professional, (including — clinics) more than 5,000 sq.ft.	X												SP	SP	P	SP	SP	
11. Drive-through facility in conjunction with any commercial business	X												SE ¹⁸	SE ¹⁸	SE ¹⁸	SE ¹⁸	SE	
12. Eating establishment	X												P	P	P	P	SP	
13. Eating establishment, fast food	X												SP ¹⁸	P	P	SP	SP	
14. Repair service establishment less than 5,000 sq.ft. — than 3000 sq. ft.	X												P	P	P	P	P	
15. Repair service establishment more than 5,000 sq.ft. — than 3000 sq. ft.	X												SP ¹⁸	SP ¹⁸	SP ¹⁸	SP	SP	
16. Laundry/dry-cleaning drop-off pick-up facility	X												P	P	P	P	P	
17. Laundry/dry cleaners/laundromat less than 5,000 sq. ft.	X												SP	P	P	SP	SP	

187. Laundry/dry cleaners/laundromat more than 5,000 3000 sq. ft.	X													SP ¹⁸ SP	SP	SP P		SP	
198. Furniture repair, cabinet making, upholstery, less than 5000 sq. ft.	X													P	P	P	P	P	
2019. Furniture repair, cabinet making, upholstery, more than 5000 sq. ft.	X													SP	SP	SP	SP	P	
210. Broadcasting studio	X		SP											P	P	P		P	
224. Barber/beauty shop	X	SP	SP	SP	SP	SP								P	P	P	P		
232. Carpentry, plumbing, electrical, printing, welding, sheet metal shops, less than 5000 sq. ft.	X													P	P SP	P	SP	P	P
243. Carpentry, plumbing, electrical, printing, welding, sheet metal shops more than 5000 sq. ft.	X													SP	SP	SP		P	P
24. Dance or music studio	X													P		P			
25. Photographic studio	X													P	P	P		SP	
26. Wedding chapels	X													SP	P		SP		
267. Taxidermisty shop	X		SP											SP	SP				
28. Gift Shop	X														P				
29. Furniture Store	X														P				

PART 4

3-400

USE REGULATIONS

The requirements in the chart below and the following footnotes pertaining thereto are established as indicated:

.....

18. A special permit shall not be required and the use shall be permitted by-right if the use is proposed to be located within a shopping center that has been approved by special permit or special exception and if the proposed use is consistent with any limitations of the shopping center special permit or special exception approval and all other requirements of the Zoning Ordinance.

PART 12

5-1200

**CATEGORY 12 COMMERCIAL RETAIL
USES**

In addition to the general standards as set forth in Section 006 above, the following conditions shall apply:

.....

5-1202

Additional Standards for Retail sales establishment and shopping center 5,000 to 20,000 square feet in the C-1 District

1. An Administrative permit may be approved for uses where:
 - A. Buildings or uses exceeding 5,000 square feet in size shall be designed such that the mass and treatment of the building is broken into smaller elements consistent with a neighborhood scale. The goal is to achieve the mass of multiple smaller buildings rather than one single large building.
 - B. Building height shall not exceed two stories.
 - C. To the extent feasible, parking shall be located to the side and rear of buildings.
 - D. All such uses shall be designed to conform with the comprehensive plan.
2. In instances where any of the above standards cannot be met or where the Zoning Administrator determines that the use does not meet the above standards, the Board of Zoning Appeals may approve the use upon a finding that the proposed use meets the general requirements for special permits contained in this section.

5-120~~32~~

Additional Standards for Retail Sales in Conjunction with Category 16 or 17 Uses

1. Retail sales of goods produced on or off the site may be conducted as part of the primary use.
2. Retail sales shall represent an activity clearly subordinate to the primary use on the site and shall not involve more than 10% of the gross floor area of the facility (or outdoor area involved in the use, if appropriate).

PART 13

5-1300

**CATEGORY 13 COMMERCIAL
BUSINESS AND PERSONAL SERVICES**

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

.....

5-1305

Additional Standards for Office 5,000 Sq. Ft. to 20,000 Sq. Ft. in the C-1 District

1. An Administrative permit may be approved for uses where:
 - A. Buildings exceeding 5,000 square feet in size are designed such that the mass of the building is broken into smaller elements consistent with a neighborhood scale. The goal is to achieve the effect of multiple smaller buildings rather than one single large building.
 - B. Building height does not exceed two stories.
 - C. Parking is located to the side and rear of buildings.
 - D. Uses are designed to conform with the comprehensive plan.
2. Where any of the above standards cannot be met or where the Zoning Administrator determines that the use does not meet the above standards, the Board of Zoning Appeals may approve the use upon a finding that the proposed use meets the general requirements for special permits contained in this section.

5-130~~65~~

Additional Standards for Offices in Rural and Residential Districts

1. Not more than six (6) persons may be engaged in the operation of the office, including part-time employees and/or professionals.

2. No retail or wholesale sales or storage **shall be** conducted on the premises.
3. **Buildings** so used shall have the exterior appearance of a residential structure of a type allowed in the zoning district in which located.
4. There shall be no lighting of signs or parking areas on the premises in general in any manner not usual in a residential area.
5. Such uses in multi-family structures shall be located in end units of townhouse structures or on the lowest floor of other multi-family structures.
6. Office hours shall be limited to the period between 8:30 a.m. and 8:00 p.m., Monday through Saturday. Offices may open at other times only for emergencies.
7. Off-street parking for the office shall be provided in accordance with the provisions of Article 7 in addition to that required for the dwelling units, unless the office hours are limited to the period between 9:00 a.m. and 4:00 p.m.
8. In the V, R-1, R-2 and R-4 zoning districts, no off-street parking space shall be located in any required front yard, and all parking spaces accessory to the use shall be screened so that they are not visible from the first story window levels of adjoining property.
9. **Any such office with more than three employees, Such a use** shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

5-1306 Additional Standards for Barber/Beauty Shop in Residential and Rural Zoning Districts

~~Such uses shall comply with the use limitations set forth in Section 6-304.~~

15-300

DEFINITIONS

.....

CONVENIENCE STORE: Stores offering for sale groceries and other articles normally found in grocery stores and having not more than 3000 square feet gross floor area.

DRIVE THROUGH FACILITY: ~~**DRIVE-IN**~~

ESTABLISHMENT: A place of business shall be considered to have a drive through facility if it is so laid out that patrons can be accommodated while remaining in their automobile or vehicle. For the purposes of this ordinance, a VEHICLE WASH shall not be considered a Drive Through Facility.

.....

~~**GIFT SHOP:** Retail Sales Establishment of less than 5,000 square feet selling goods, merchandise, and commodities for use by the immediate purchaser.~~

OFFICE: A room, studio, suite or building in which a person transacts his business or carries on his stated occupation, ~~further defined in some provisions as BUSINESS OFFICE and PROFESSIONAL OFFICE.~~ For the purpose of this Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of material, goods and products; or the sale and delivery of any materials, goods and products which are physically located on the premises. An office shall not be deemed to include a veterinary clinic.

~~**OFFICE, BUSINESS:** Any room, studio, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives.~~

~~**OFFICE, PROFESSIONAL:** Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects, but specifically excluding veterinarians.~~

.....

RETAIL SALES ESTABLISHMENT: Any building wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use in consumption by the immediate purchaser. For the purpose of this

Ordinance, however, retail sales establishments shall not be interpreted to include motor vehicle related uses and EATING ESTABLISHMENTS as defined herein. Retail Sales Establishment shall include Antique shops over 3,000 sq. ft.

.....

SHOPPING CENTER: Any group of one or more buildings containing three or more separate commercial businesses ~~two (2) or more commercial uses~~ which (a) are designed as a coordinated single commercial group, whether located on the same lot or on separate lots; (b) are under common ownership or management or association for the purpose of providing property management, parking, site coverage, advertising, promotion and/or other similar benefits, (c) ~~are connected by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walk ways and access ways designed to facilitate customer interchange between the uses,~~ (d) share a common parking area, and (ce) otherwise present the appearance of one (1) continuous commercial area.